Planning & Development Division
Planning & Economic Development Department

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File Number	PL 24-052		**Contact**	Jenn Moses, jmoses@duluthmn.gov	
Type	Interim Use Permit for Temporary Outdoor Living Site		**Planning Commission Date**		May 14, 2024
Deadline for Action	**Application Date**		April 18, 2024	**60 Days**	June 17, 2024
	Date Extension Letter Mailed			**120 Days**	August 16, 2024
Location of Subject	206 W 4th Street				
Applicant	Damiano Center		**Contact**	Seth Currier	
Agent					
Legal Description	PIN 010-1000-00530				
Site Visit Date	May 6, 2024		**Sign Notice Date**		April 30, 2024
Neighbor Letter Date	April 26, 2024		**Number of Letters Sent**		39

Proposal
This one-year Interim Use Permit would allow for 2024 operation of Safe Bay, an overnight parking lot, at the Damiano Center. This parking lot would operate seasonally, and is a renewal of a temporary permit received in 2023 for the same use.

Recommendation
Staff recommends approval, subject to conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-6	Damiano Center	Neighborhood Mixed Use
North	F-6	Clinic (CAIR), Sacred Heart	Neighborhood Mixed Use
South	MU-N	Residential	Urban Residential
East	F-6	Parking Lot	Neighborhood Mixed Use
West	F-6	Residential	Neighborhood Mixed Use

Summary of Code Requirements
50-20.1.I: Use-specific standards for Interim Outdoor Living Site
50-37.10: Authorizes the city to issue an interim use permit that authorizes a special use to exist until a specified date.

Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):
Governing Principle #13 – Develop a healthy community. Safe Bay allows a place for people without housing to sleep safely in their cars, with access to bathrooms, showers, and other services.
Governing Principle #14 – Integrate fairness in to the fabric of the community. Safe Bay provides an option for people living in cars to be close to services and community resources.

Future Land Use – Neighborhood Mixed Use: A transitional use between more intensive commercial uses and purely residential neighborhoods.

Site history: Damiano Center has been providing services to people in need for over 40 years. Safe Bay is an initiative through Stepping on Up, a collaborative of providers working to address homelessness. Safe Bay opened in 2023 under a temporary use permit, providing safe and secure overnight parking and sleeping places for people living in cars.

Review and Discussion Items
Staff finds that:

1) Damiano provides an overnight parking lot, and is only for people sleeping in vehicles (not tents or other sleeping facilities). It operates seasonally during the warmer months, April through October, and only at night (8:00 pm – 8:00 am). Vehicles park in the existing Damiano Center parking lot, which is paved. As this lot is otherwise only used for Damiano visitors and staff during daytime hours, it is an efficient use of an existing parking lot.
2) Safe Bay provides showers, bathroom facilities, garbage and recycling dumpsters, and a sharps container, all meeting the requirements of UDC Section 50-20.1.I.
3) Staff from CHUM and overnight hosts provide oversight at all hours the facility is open. The staff and hosts document vehicles and guests, ensure quiet hours starting at 10:00 pm, and monitor all activities on site.
4) The Damiano Center reports that in 2023, when this site began operating, the parking lot became more secure due to the presence of people overnight.
5) In case of an emergency such as an extreme weather event, the Damiano Center is available for shelter.
6) Applicant has indicated an interest in potentially adding fencing during summer of 2024; all fences will need to meet fence requirements of UDC Section 50-26, and apply for and receive fence permits prior to installation.
7) A dense urban screen is required between the parking lot and abutting residential properties to the south. Staff finds that the steep slope and presence of a retaining wall provides the function of a dense urban screen through minimizing light intrusion and visual impacts and creating a sense of separation from residential properties.
8) No additional exterior lighting will be provided.
9) A time limit on this Interim Use Permit is required because this is an interim living site. The time period for this lot shall be one year from the date of approval.
10) No public comments have been received on this project to date.

Staff Recommendation
Based on the above findings, staff recommends that Planning Commission approve the interim use permit, subject to the following conditions:

1) The project be limited to, constructed, and maintained according to the information submitted with the application and all criteria in UDC Section 50-20.1.I.
2) This Interim Use Permit has a duration of one year and shall expire one year from the date of approval.
3) Before operation commences, the applicant will ensure that the operator's name, telephone number, and e-mail address are posted on the site and easily visible to the public, and will provide a photo of this signage on the site to the Land Use Supervisor.
4) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administrative approval shall constitute a variance from the provisions of UDC Chapter 50.

Safe Bay Application Notes 2024

Hours of Operation

8pm-8am, 7 days a week May 2024-October 2024

Management

Chum staff will be onsite from 7pm- 8:30am daily.

Operation

- This program will begin at 8pm after regular Damiano programming is finished and then all cars will move from the parking lot by 8am before Damiano programming begins.
- There is a hygiene facility on site with 6 showers, toilets, and sinks available. There is also a porta-potty available as well.
    - The porta-potty is emptied twice per week. The hygiene unit is dumped daily into an already installed RV dump onsite that is connected to the sewer system within Damiano.
- There is a large secure sharps container accessible to everyone.
- There are garbage & recycling bins available to all participants.

Other notes

- No additional lighting will be required
- All programming will take place 10 feet away from the streets.

Additions that will be added, with additional codes & permitting, over the season

- Partial permanent fence and partial temporary fencing
- Cement pad for seating
- Pavilion

Safe Bay, at Damiano Center

CHUM staff will operate an overnight location for people who have cars to be able to sleep in a safe location in the Damiano Parking lot. People utilizing this program will check in with CHUM staff, they will provide driver's license and license plate information. They will be able to use the Damiano Center's hygiene unit overnight. Hours of operation will be from 8pm to 8am, seven days a week. There will be a quiet time at 10pm.

In case of emergency there will be the ability to access the Damiano building but this will primarily take place in the parking lot. There will be at least two staff members awake and on duty at all times. We do not think this will negatively affect the neighborhood, we actually think that this might enhance the neighborhood safety in the sense that there will be staff awake and monitoring activities all night 7 days a week.

The site plan is below: